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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Reid Von Borstel

Atty. Ref.: 1331-300; Confirmation No. 3188

Appl. No. 09/494,243

Group: 1623

Filed: January 31, 2000

Examiner: Howard V. Owens, Jr.

For: ACYL DEOXYRIBONUCLEOSIDE DERIVATIVES AND USES THEREOF

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September 16, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REINSTATEMENT OF APPLICATION TO PENDING CONDITION

In the Notice of Abandonment mailed September 10, 2004, the reason for abandonment is stated to be that: "A notice of appeal was filed on 2/13/04; however to date no appeal brief has been filed and the term for extending from the date of the final rejection on 8/13/2004 has passed." This reason is incorrect.

The total term for extension is five months from April 13, 2004, i.e., to September 13, 2004. An appeal brief was filed on September 10, 2004, together with a five month extension request and appeal brief fee.

Reinstatement of the present case to pending condition is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____

Handwritten signature of Leonard C. Mitchard
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